



PATENT
Docket No. 415852000100
Client Ref. VS:WS:FP10412
TBS
M.L.

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JAN 30 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

In the application of:

Jeffrey John GORMAN

Serial No.: 09/202,035

Filing Date: December 17, 1998

For: VIRAL PEPTIDES WITH
STRUCTURAL HOMOLOGY TO
PROTEIN G OF RESPIRATORY
SYNCYTIAL VIRUS

Examiner: B. Li

Group Art Unit: 1648

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

01/29/2002 NM0HMM1 00000023 031952 09202035

01 FC:126 180.00 CH

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The documents listed on the attached Form PTO-1449 were cited in a Search Report mailed on September 21, 2001 (copy attached) directed to a counterpart international or foreign application.

This Information Disclosure Statement is submitted:

- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - A fee is required. A check in the amount of * is enclosed.
 - A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of * is enclosed.
 - A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist;

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(iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 415852000100. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 10, 2002

Respectfully submitted,

By:

Jill A. Jacobson
Jill A. Jacobson
Registration No. 40,030

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5876
Facsimile: (650) 494-0792



Gp #1648#

Please type a plus sign (+) inside this box → +

Approved for use through 10/31/02, OMB 0651-0031
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

13 Pages + 4 References

Application Number

09/202,035

Filing Date

December 17, 1998

First Named Inventor

Jeffrey John GORMAN

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Group Art Unit

1648

Examiner Name

B. LI

TECH CENTER 1600/2900

ENCLOSURES (check all that apply)

Fee Transmittal Form (original + 1 for fee processing (2 pages total))

Assignment Papers
(for an Application)

After Allowance Communication to Group

Fee Attached

Drawing(s)

Appeal Communication to Board of Appeals and Interferences

Amendment / Reply

Licensing-related Papers

Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

After Final

Petition

Proprietary Information

Affidavits/declarations

Petition to Convert to a Provisional Application

Status Letter

Extension of Time Request

Power of Attorney, Revocation Change of Correspondence Address

Other Enclosure(s) (please identify below):

- copy of Search Report dated September 21, 2001 (5 pages)
- Form PTO-1449 (original + copy (2 pages total)
- 4 References
- Return Receipt Postcard

Express Abandonment Request

Terminal Disclaimer

Supplemental Information Disclosure Statement (3 pages)

Request for Refund

CD, Number of CD(s) _____

Certified Copy of Priority Document(s)

Remarks

Response to Missing Parts/
Incomplete Application

Response to Missing Parts under 37 CFR 1.52 or 1.53

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name

Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, CA 94304-1018

Jill A. Jacobson (Reg. No. 40,030)

Signature

jill a. jacobson

Date

January 10, 2002

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

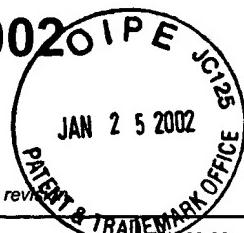
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FEE TRANSMITTAL FOR FY 2002



Patent fees are subject to annual review.

TOTAL AMOUNT OF PAYMENT

\$180.00

Complete if Known

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2002

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1600/290

Application Number

09/202,035

Filing Date

December 17, 1998

First Named Inventor

Jeffrey John GORMAN

Examiner Name

B. LI

Group Art Unit

1648

Attorney Docket No.

415852000100

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **03-1952**Deposit Account Name **Morrison & Foerster LLP**

- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:

Check Credit Card Money Order Other

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	180
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 180.00)

** or number previously paid, if greater; For reissues, see above.

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Jill A. Jacobson	Registration No. (Attorney/Agent)	40,030	Telephone	(650) 813-5876
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Signature

Jill A. Jacobson

Date January 10, 2002

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pa-657394

Form PTO-1449		Docket Number 415852000100	Application Number 09/202,035
INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>		Applicant Jeffrey John GORMAN	
		Filing Date December 17, 1998	Group Art Unit 1648
		Mailing Date January 10, 2002	

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
BL	1.	09/05/2000	6,113,911	Binz et al.	—	—	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
BL	2.	10/13/1995	FR 2 718 452	France	—	—	Derwent Abstract

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
BL	3.	Langedijk, J. et al. (1997). "Antigenic Structure of the Central Conserved Region of Protein G of Bovine Respiratory Syncytial Virus," <i>J. Virology</i> 71(5): 4055-4061.
BL	4.	Simard, C. et al. (1997). "Subgroup Specific Protection of Mice from Respiratory Syncytial Virus Infection with Peptides Encompassing the Amino Acid Region 174-187 from the G Glycoprotein: The role of Cysteinyl Residues in Protection," <i>Vaccine</i> 15(4):423-432.

EXAMINER:

Maguire

DATE CONSIDERED:

12/12/02

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Notice of References Cited		Application/Control No.	Applicant(s)/Patent Under Reexamination	
		09/202,035	GORMAN, JEFFREY JOHN	
Examiner Bao Qun Li		Art Unit 1648	Page 1 of 1	

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification	
	A	US-6,077,511-	06-2000	Langedijk	424	
	B	US- -				
	C	US- -				
	D	US- -				
	E	US- -				
	F	US- -				
	G	US- -				
	H	US- -				
	I	US- -				
	J	US- -				
	K	US- -				
	L	US- -				
	M	US- -				

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N	- -				
	O	- -				
	P	- -				
	Q	- -				
	R	- -				
	S	- -				
	T	- -				

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Guichard et al. PNAS U.S, 1994, Vol. 91, pp. 9765-9769.
	V	Introduction of proteins: The primary level of protein structure in Biochemistry, Edited by Bowen et al. 1991, pp. 139.
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Notice of References Cited

Application/Control No.

09/202,035

Applicant(s)/Patent Under

Reexamination

GORMAN, JEFFREY JOHN

Examiner

Bao Qun Li

Art Unit

1648

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,149,650	09-1992	Wertz et al.	424/243
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

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Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.